

Submitted by: Mr. David VanWie
38 Juniper Ridge Dr.
Danbury, CT 06811

My personal testament on SB 1076
Dear Ladies and Gentlemen of the Committee:

I am Opposed

I appreciate your response to the public outcry to hold public hearings on a matter as important as gun control and public safety, specifically on S.B. 1076. I am shocked and amazed at the number of ex-post facto penalties and constitutionally questionable items that are incorporated into this bill. I am strongly opposed to many provisions in this bill as it severely restricts the rights of Connecticut citizens to protect and defend themselves. It also provides for the confiscation of a persons personal property, that was legally purchased and if needed registered according to Connecticut Law. (See Section 40 of the bill.)

After reading this section, I am appalled by the apparent willingness to ignore not only the State and Federal Constitutions but also recent Supreme Court decisions clarifying these rights.

Article 1, Section 9, Clause 3 of the U.S. Constitution *expressly forbids ex post facto laws*. However, the registration provisions of the “assault weapons” expansion clearly make this a felony to possess firearms that were previously legally owned. This is an amazingly harsh penalty to apply after the fact to the purchase of a firearm that was legally owned. Not to mention that the requirements specified for continued ownership of a legal item are extremely onerous.

Sec. 40. continues

And this apparently will apply to ALL firearms owners.

Sec. 40. (NEW) (*Effective July 1, 2013*) (a) When a decision to deny an application to register, to renew a registration card or to revoke a registration card becomes final, the applicant or registrant shall immediately surrender to the Department of Emergency Services and Public Protection the firearm for which the applicant was denied registration or renewal or for which the registration card was revoked.

(b) If an applicant or registrant fails to surrender his or her firearm to the department after he or she receives notice that the decision to deny an application to register, to renew a registration card or to revoke a registration card becomes final, the department shall retrieve the firearm within forty-eight hours.

There at 14 listed provisions that every firearm owner must follow for EACH FIREARM, in order to even be CONSIDERED for a registration permit. The bill states that If ANY of this information is not provided, then registration will be denied. The last provision is “Any additional information the Department deems necessary” which is simply legal-ease for “we can make any rule we want.”

A further investigation into section 40, sec. b, SPECIFALLY PROVIDES FOR SEIZURE OF LEGALLY OWNED FIREARMS, WITHIN 48 HOURS!!! IF the department denies a

registration application for ANY REASON, then the State has the right to CONFISCATE YOUR FIREARM! This provision, when put into practice, means that IF I can't recall the phone number of someone that I bought a gun from 25 years ago, then not only will my registration be automatically denied but that firearm will be SIEZED BY THE STATE!

It is unbelievable that ANY elected public official would be willing to even propose, much less vote for a bill that amounts to a GOVERNMENT CONFISCATION OF LEGALLY-OWNED PRIVATE PROPERTY. It is FAR worse that you would be willing to do so under the flag of public safety! This bill represents an unprecedented over reach of Government intrusion.

Regarding the so-called "assault weapons ban", the ownership of a semi-automatic rifle is my legal right, per Justice Scalia majority opinion in the DC v. Heller case. He specifically refers to the protection of "Firearms in common use" as being those that are specifically protected under the 2nd Amendment. This is not ambiguous and has nothing to do with the potential "limitations" that he also mentions in the summary opinion. The AR-15 platform rifle is the single most popular rifle in the Country, being considered for purely cosmetic reasons. How is it possibly to take into account the language from the Supreme Court and attempt to pass a bill that so basically violates the majorities decision?

When you read Justice Scalia's entire opinion, you will find that he even specific that civilian ownership of even fully automatic weapons, "M-16's and the like" is acceptable under the prefatory clause in the 2nd Amendment. I have included that language below, for those of you that have not read the full opinion. I am NOT advocating mass ownership of fully automatic weapons. However, again, how can you actually read this opinion and decide that it is in your purveyance to ban ownership of virtually ALL semi-automatic sporting rifles?

By passing this legislation, the State will be turning law-abiding Connecticut citizens into felons by decree. I would assume that most of you have extensive knowledge of political history throughout the U.S. and the rest of the world. The first act of a tyrannical government is to vilify previous law abiding citizens that disagree with the government. When you wonder why the public outcry is so severe on this and other legislation, then you need only to look at history and the way that things are developing in the State of Connecticut.

As written, S.B. 1076 proves just how intrusive and tyrannical government can potentially become. There are so many unacceptable provisions in this bill that it is simply not negotiable and should be completely disregarded. Again, I state that I am totally in opposition to this proposed bill in its entirety.

Regards,
David A. VanWie

Appendix

U.S. Supreme Court

DC v. Heller

- **Scalia, on Justice Stevens' dissent, Sec E, III**
-
- It may be objected that if weapons that are most useful in military service — M-16 rifles and the like — may be banned, then the **Second** Amendment right is completely detached from the prefatory clause. But as we have said,

the conception of the militia at the time of the **Second** Amendment's ratification was the body of all citizens capable of military service, who would bring the sorts of lawful weapons that they possessed at home to militia duty. It may well be true today that a militia, to be as effective as militias in the 18th century, would require sophisticated arms that are highly unusual in society at large. [*****31**]Indeed, it may be true that no amount of small arms could be useful against modern-day bombers and tanks. But the fact that modern developments have limited the degree of fit between the prefatory clause and the protected right cannot change our interpretation of the right.